

Ropers Majeski Kohn & Bentley  
A Professional Corporation  
Redwood City

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Attorneys for Defendants  
LIBERTY LIFE ASSURANCE COMPANY OF  
BOSTON, THE SYNOPSIS, INC GROUP  
DISABILITY INCOME PLAN

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MICHAEL MOODY,

Plaintiff,

v.

LIBERTY LIFE ASSURANCE  
COMPANY OF BOSTON, LIBERTY  
MUTUAL GROUP, INC. dba LIBERTY  
MUTUAL GROUP, THE SYNOPSIS,  
INC. GROUP DISABILITY INCOME  
PLAN AND DOES 1 through 20,  
inclusive,

Defendants.

CASE NO. C-07-01017 MHP

**STIPULATION AND ~~PROPOSED~~  
ORDER THAT THE APPLICABLE  
STANDARD OF REVIEW TO BE  
APPLIED BY THE DISTRICT COURT IS  
AN ABUSE OF DISCRETION; REQUEST  
FOR FURTHER CASE MANAGEMENT  
CONFERENCE**

Plaintiff Michael Moody, through his attorney of record, Brian Kim of Pillsbury &  
Levinson, LLP, and defendants Liberty Life Assurance Company of Boston and The Synopsis,  
Inc. Group Disability Income Plan through its counsel of record, Pamela E. Cogan of Ropers,  
Majeski, Kohn & Bentley, STIPULATE AS FOLLOWS:

WHEREAS, this action is subject to and governed by the Employee Retirement Income  
Security Act of 1974 ("ERISA");

WHEREAS, plaintiff seeks disability income benefits under an employee welfare plan  
established by his former employer Synopsis, Inc. ("the Plan");

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WHEREAS, the Plan is insured by a group disability income policy issued by Liberty Life Assurance Company of Boston to Synopsys, Inc. ("the Policy");

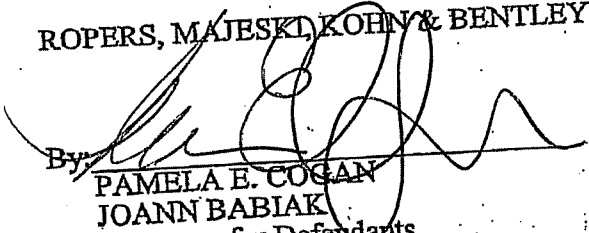
WHEREAS, the Policy and the Summary Plan Description for the Plan confer sole discretion on Liberty Life Assurance Company of Boston to construe the terms of this policy and to determine benefit eligibility hereunder;

IT IS HEREBY STIPULATED between the parties that the standard of review to be applied by the Court is an abuse of discretion as articulated by the United States Supreme Court in Metropolitan Life Insurance Company v. Glenn, (2008 U.S. Lexis 5030) and the Ninth Circuit in Abatie v. Alta Health & Life Ins. Co., 458 F.3d 955 (9th Cir. 2006).

The parties further request that the Court set this matter for a further Case Management Conference at this time to set further scheduling dates.

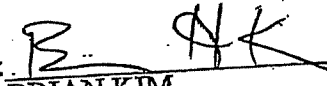
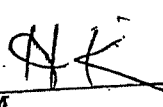
Dated: June 24, 2008

ROPERS, MAJESKI, KOHN & BENTLEY

By:   
PAMELA E. COGAN  
JOANN BABIAK  
Attorneys for Defendants  
LIBERTY LIFE ASSURANCE  
COMPANY OF BOSTON, THE  
SYNOPSYS, INC GROUP DISABILITY  
INCOME PLAN

Dated: June 24, 2008

PILLSBURY & LEVINSON, LLP

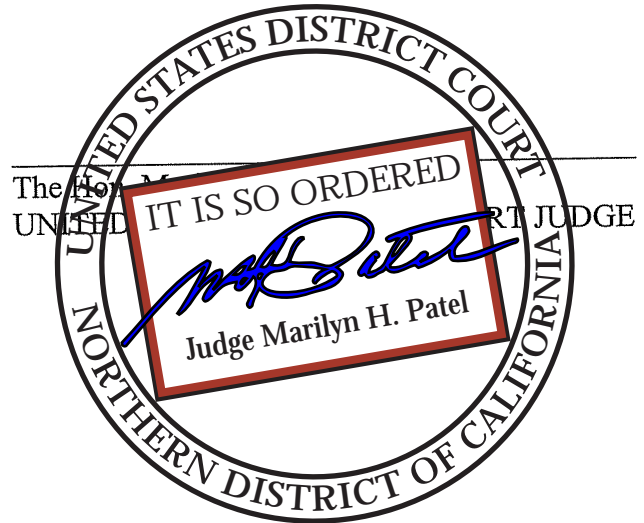
By:    
BRIAN KIM  
Attorneys for Plaintiff  
MICHAEL MOODY

~~[PROPOSED]~~ ORDER

**IT IS SO ORDERED.** The standard of review to be applied by this Court in this ERISA action will be an abuse of discretion.

The parties request for a further Case Management Conference is **GRANTED**.

Dated: July 3, 2008 \_\_\_\_\_



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